

CITY OF BOULDER COUNCIL PROCEEDINGS

December 2, 2010

1. **CALL TO ORDER AND ROLL CALL**

Deputy Mayor Wilson called the special December 2, 2010 council meeting to order in the Council Chambers at 7:00 p.m.

Those present were: Mayor Osborne, Deputy Mayor Wilson and Council Members Ageton, Appelbaum, Becker, Cowles, Gray, Morzel and Karakehian.

2. **MATTERS FROM THE CITY ATTORNEY:**

A. **COUNCIL DIRECTION ON TWO INTERGOVERNMENTAL AGREEMENTS BETWEEN BOULDER COUNTY AND THE CITY OF BOULDER FOR SUSTAINABILITY PROGRAMS. - 7:05 P.M.**

City Attorney Carr provided an overview of negotiations on the Intergovernmental Agreements with Boulder County and asked the Council for feedback/direction on its priorities for the IGAs. Draft IGAs would be available for Council to review some time in January. Council Member Appelbaum voiced concern regarding the City receiving equitable funds from the Federal grant. He also suggested that low income families or rentals not be excluded from programs.

Council Member Ageton agreed that her biggest concern for those who had reviewed the first IGA drafts was the lack of clarity regarding how the funds would be distributed. She also asked that Council be given a copy of the actual grant that was awarded. The city already made significant investments to the program and should be reimbursed given that it will be of benefit to the whole county. In addition a conflict mechanism should be included for any disputes that might arise. Clarity on oversight responsibilities also needed to be provided. She noted that on page four of the original memo, ten items were identified by staff as important negotiating points for the IGA. She suggested those be reviewed again as aspects that should be included in the final IGA.

B. **CONSIDERATION OF A MOTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A SETTLEMENT AGREEMENT OF A CLAIM FOR DAMAGES TO THE HOME AND FURNISHINGS OF JANE FOWLER. - 7:16 P.M.**

Council Member Cowles moved, seconded by Morzel, to authorize the City Manager to enter into a settlement payment of \$37,169.53 to contractors on behalf of Jane Fowler in consideration of a release of all claims arising from damages to her home and furnishings in July 2010.

3. **MATTERS FROM MAYOR AND MEMBERS OF COUNCIL:**

A. **CONSIDERATION OF A MOTION TO APPROVE THE CITY OF BOULDER'S 2011 STATE AND FEDERAL LEGISLATIVE AGENDA AND 2011 STATE LEGISLATIVE PRIORITIES. - 7:20 P.M.**

Policy Advisor Carl Castillo reviewed the packet noting the areas that had been changed

after input at the recent November 9, 2010 study session with the City Council.

Council Member Morzel asked Mr. Castillo to include the U.S. Geological Survey (USGS) on page 12 of the document.

In addition, Mr. Castillo commented that the city would follow and support statewide recycling goals.

Council Member Appelbaum raised concern about mobility consequences that could result from allowing communities to take over portions of regional roads and highways.

Deputy Mayor Wilson commented that the Consortium of Cities voted to support legislative items that included e-waste legislation, recycling and solid waste planning legislation and constitutional reform. There was interest expressed by the Consortium to continue looking at the local and state government tax structure policy, service taxes and tracking insurance claiming (issue coming out of the Fourmile Fire). A draft of the Consortium's legislative priorities should be available in a couple of weeks. Pace loans are a federal issue that will need to continue to be monitored.

Council Member Ageton indicated the phrase "while supporting changes that prevent" on page 12 of the document needed to be struck.

Council Member Gray moved, seconded by Karakehian to approve the City of Boulder's 2011 State and Federal Legislative Agenda and 2011 State Legislative Priorities.

B. CONSIDERATION OF A MOTION TO APPOINT NEW MEMBERS TO THE BEVERAGES LICENSING AUTHORITY, BOARD OF ZONING ADJUSTMENT AND LIBRARY COMMISSION. – 7:40 P.M.

Council Member Gray moved, seconded by Wilson, to open nominations. The motion carried unanimously.

Beverages Licensing Authority

Council Member Wilson nominated Richard Tucker for the Beverages Licensing Authority.

There being no other nominations Richard Tucker was appointed by acclamation to the Beverages Licensing Authority to a term through March of 2013.

Board of Zoning Adjustment

Council Member Gray nominated Jack Rudd for the Board of Zoning Adjustment.

There being no other nominations, Jack Rudd was appointed by acclamation to the Board of Zoning Adjustments to a term through March 2012.

Library Commission

Votes

Council Member Ageton nominated Donna O'Brien

4

Council Member Morzel nominated Celeste Landry

5

Upon a flip of a coin the vote was determined to be taken in reverse alphabetical order.

Celeste Landry was appointed to the Library Commission to a term through March 2014.

Deputy Mayor Wilson moved, seconded by Morzel to ratify the appointments to the Beverages Licensing Authority, Board of Zoning Adjustment and the Library Commission.

C. FASTRACKS UPDATE. MAYOR OSBORNE – 7:45 P.M.

Mayor Osborne provided Council Members with a packet of information that reminded them what voters had approved for the FastTracks program back in 2004. She described the funding that was committed by various entities and indicated the loan application would be due the end of January. It was hoped that construction could begin at the end of 2011.

She then spoke to the Gold Line which came in for bid \$305 million under the estimate. The US 36 Mayors and Commissioners Coalition would be meeting with RTD to discuss the use of those leftover funds. It was expected DRCOG would make a decision about the matter in January. She presented options from RTD about how the money could be divided. She indicated the US 36 Mayors and Commissioners Coalition was supporting an alternate option of partnering with other communities for priority for bus rapid transit. If Boulder County voters would be asked to approve an additional increment of tax funding for this purpose, then it would be important to pay attention to the needs in this regard. RTD was polling and considering a one-tenth or two-tenth percent increase for 2011. Northwest Rail did not look promising but many felt it could not be forgotten.

Council Member Becker clarified that Bus Rapid Transit and Bike Lanes would definitely come out of the project.

Council Member Cowles suggested the 2004 voting statistics should be included in the fact finding effort. He would like those prior to the DRCOG meeting in January. He also requested a list of what amount of transportation sales tax was assessed by various districts.

Council Member Ageton agreed and indicated it would good to see the percentage of support that came from other areas within Boulder County.

D. JEFFERSON PARKWAY UPDATE. COUNCIL MEMBER MORZEL – 8:10 P.M.

Council Member Morzel provided an update on the Jefferson Parkway project noting that Boulder, Boulder County and Golden had been working to reach an agreement with the Jefferson Parkway Authority communities to purchase, and protect from development, the Section 16 area. Boulder would drop its opposition to the construction of the Jefferson Parkway in exchange for JeffCo's support of the purchase. The city had also been working to mitigate impacts to the wildlife refuge that would result from development of the Parkway.

The Jefferson County Commissioners recently passed a resolution expressing its commitment to engage in efforts to convert Section 16 to open space or wildlife status and to contribute \$5 million towards the purchase if Boulder and Boulder County would drop its opposition to construction of the parkway and support the land transfer by

January 2011. Jefferson Count is calling upon Boulder to adopt a similar resolution to resolve the matter by the end of the year (it was noted a resolution is not legally enforceable). She urged council to consider adopting a resolution of its own at the December 21 council meeting and to include the future execution of a legal document (IGA) that would address details.

Council Member Morzel then outlined various elements of a resolution that she wanted council's approval to direct staff to work on for the December 21 meeting (included in her speaking points handout).

E. **REQUEST FOR NOD OF FIVE TO RECONSIDER THE SNOW REMOVAL ORDINANCE.**
COUNCIL MEMBER APPELBAUM - 9:15 P.M.

Nod of five received. CAC will schedule.

4. **PUBLIC COMMENT ON MATTERS:**

1. Charles G. Bufe spoke to snow removal and noted the city should plow sidewalks on the main arteries and bus routes.

5. **FINAL DECISIONS ON MATTERS:**

Vote was taken on the motion to authorize the City Manager to enter into a settlement payment of \$37,169.53 to contractors on behalf of Jane Fowler in consideration of a release of all claims arising from damages to her home and furnishings in July 2010. The motion carried 9:0.


Vote was taken on the motion to ratify the appointments to the Beverages Licensing Authority, Board of Zoning Adjustment and the Library Commission. The motion carried 9:0

Vote was taken on the motion to approve the City of Boulder's 2011 State and Federal Legislative Agenda and 2011 State Legislative Priorities. The motion carried 9:0.

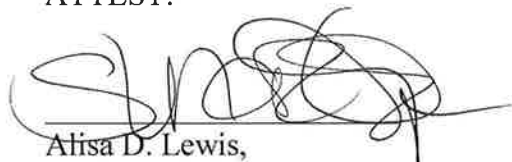
6. **ADJOURNMENT**

There being no further business to come before Council at this time, BY MOTION REGULARLY ADOPTED, THE MEETING WAS ADJOURNED AT 9:26 P.M.

APPROVED BY:


Susan Osborne,

ATTEST:


Alisa D. Lewis,
City Clerk

Mayor